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Attorney for Plaintiffs, DAVID J. LEE and  
DANIEL R. LLOYD

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. LEE and DANIEL R. LLOYD,  
as individuals and, on behalf of others  
similarly situated,

Plaintiffs,

vs.

CHASE MANHATTAN BANK U.S.A.,  
N.A., a Delaware corporation, CHASE  
MANHATTAN BANK U.S.A., N.A. d.b.a.  
CHASE BANK U.S.A., N.A., JPMORGAN  
CHASE & CO., a Delaware corporation;  
and DOES 1, through 100, inclusive,

Defendants.

Case No.: C 07-4732 MJJ

PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISMISS

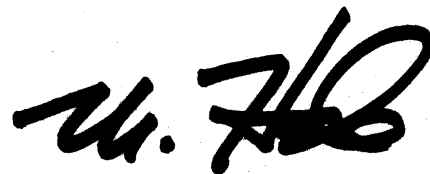
DATE: December 4, 2007  
TIME: 9:30 a.m.  
PLACE Courtroom 11  
19<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, Calif. 94102

1 Plaintiffs, by their undersign attorneys, hereby oppose Defendants' Motion to Dismiss,  
2 on the bases that: (1) Plaintiffs have standing to maintain the action and its various causes of  
3 action; (2) Plaintiffs' claims concerning their charge, credit, gift, and dining cards fall within the  
4 coverage of the Consumer Legal Remedies Act (Cal. Civil Code §§ 1750 et seq.; (3) the  
5 Complaint meets the specificity requirements of Fed.R.Civ.P. 9(b); (4) Plaintiffs' causes of  
6 action are not barred by the relevant statute of limitations; (5) Plaintiffs' complaint is not  
7 preempted by the National Bank Act, 12 U.S.C. § 24 et seq., and/or its implementing regulations  
8 (12 C.F.R. §§ 7.4008(d)(2)(iv) and (viii); and, (6) the Unfair Competition Law (California Bus.  
9 & Prof. Code §§ 17200 et seq.), the California Consumer Legal Remedies Act (California Civil  
10 Code §§ 1750 et seq., or the common law in the context of Plaintiffs' Complaint have, at most,  
11 only an incidental effect on Defendant's lending operation and are not preempted by the  
12 National Bank Act and its implementing regulations.  
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15 The Court is respectfully referred to the accompanying memorandum of points and  
16 authorities in support of this Opposition.  
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18 Dated: November 13, 2007

Respectfully submitted,

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23 Matthew S. Hale  
24 Attorney for Plaintiffs  
25 David J. Lee and Daniel R. Lloyd  
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